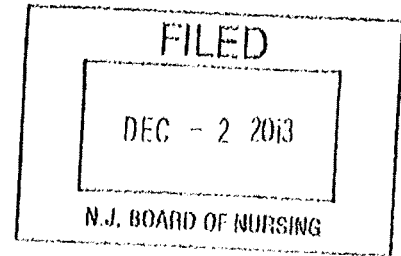
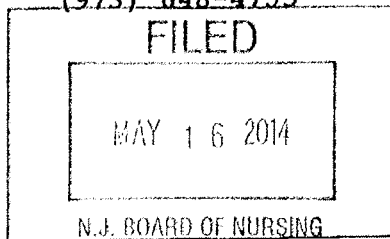


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :  
REVOCATION OF THE CERTIFICATION OF :

ADMINISTRATIVE ACTION

Amelia Montoya, C.H.H.A. :  
Certification No. 26NH07325200 :

PROVISIONAL ORDER OF  
DISCIPLINE

TO PRACTICE AS A CERTIFIED

: Finalized by  
Default on: 05/16/14

HOMEMAKER-HOME HEALTH AIDE IN THE :  
STATE OF NEW JERSEY :

**FINAL**

This matter was opened to the New Jersey State Board of Nursing (ABoard@) upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Amelia Montoya, C.H.H.A. ("Respondent") was certified as a homemaker-home health aide in the State of New Jersey on August 19, 2002. (Exhibit A).

2. On or about October 16, 2012, Respondent submitted a letter requesting that her personal information be updated for her homemaker-home health aide certification. Specifically, Respondent requested that her name and social security number be changed to match her identification documents. (Exhibit B).

3. In response to a Demand for Written Statement Under Oath, Respondent stated that the social security number that she provided in her initial application (SSN 1) was not a social security number that was assigned to her by the Social Security Administration. Respondent asserts she was given this number by an agency in Paterson, New Jersey, and that she believed that this was her social security number. (Respondent's written response to the Demand, attached hereto as Exhibit C).

4. Respondent received her social security number (SSN 2) from the Social Security Administration after her son petitioned for the same. (Copy of S.S. card showing SSN 2, attached hereto as Exhibit D).

#### CONCLUSIONS OF LAW

Respondent's use of an unverifiable social security number in the context of her initial application for certification constitutes obtaining a certificate through fraud, deception or misrepresentation in violation of N.J.S.A. 45:1-21(a) and

engaging in the use or employment of dishonesty, fraud, deception or misrepresentation in violation of N.J.S.A. 45:1-21(b).

ACCORDINGLY, IT IS on this 2 day of December, 2013,

ORDERED that:

1. Respondent=s certificate to practice as a homemaker-home health aide be and herby is provisionally suspended for two (2) years, said suspension to be stayed in its entirety.

2. Respondent shall remit payment of a fine and penalty pursuant to N.J.S.A. 45:1-25 in the amount of two-hundred (\$200.00) by certified check or money order, payable to the State of New Jersey, delivered to Executive Director George Hebert, State Board of Nursing, P.O. Box 45010, Newark, New Jersey, 07101. Payment shall be made no later than 15 days after the entry of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or

dismissal to George Hebert, Executive Director,  
124 Halsey Street, Sixth Floor, P.O. Box 45010,  
Newark, New Jersey 07101.

- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent=s request for consideration and reasons therefore or offered in mitigation of penalty.

4. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that Respondent=s submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

6. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APN, FAAN  
Patricia Murphy, PhD., APN, FAAN  
President